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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,147

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Dante Monteverde

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EXAMINER

CARLSON, JEFFREY D

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

11/12/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/604,147	<b>Applicant(s)</b> MONTEVERDE, DANTE	
	<b>Examiner</b> Jeffrey D. Carlson	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is responsive to the paper(s) filed 8/5/2009.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 3, 5, 9-10, 14-15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeWolf et al (US 20020111172 A1) in view of Tripp et al (US6516337).**

4. Regarding claims 1, 3, 5, 14-15, 17-18, DeWolf et al teaches location-based advertising provided to a user based on a profile that includes location history data. Paragraph 0087 states that the location profile can at least in part be built upon your history of Internet browsing and the geographic location of businesses/sites that you have visited on the Internet. Recognizing that the user has "visited numerous websites related to the "Outer Banks" (in North Carolina), the system can take this "external data" and use it in an estimation/determination of the location of a user as well form as a basis for delivering advertising for merchants/services relevant to that determined geographic location. Delivering location-based advertising (Outer Banks advertising) according to a common geographic location associated with numerous Outer Banks

web visits indicates that the Outer Banks is a popular geographic location for that user.

DeWolf et al does not describe the details of how a business location can be determined for a visited web page. Tripp et al teaches what is typical of search engines – a database or index is created which correlates web page URLs to a categorization of that webpage. This predefined database can then be used to retrieve the stored categorization of any web page stored in the database/index [fig 1, col 2: lines 40-49].

Tripp et al also recognizes a need for this index database to store categorization metadata that includes a location for the web site. Tripp et al provides a geographic location component to the stored index database [fig 21]. It would have been obvious to one of ordinary skill at the time of the invention to have stored such an index database for use by DeWolf et al so that the geographic location of web pages can be determined accurately and quickly. The matching of a determined/estimated/predicted geographic location to pre-stored advertisements is inherently accomplished by storage of merchant locations in a database which is used to match to the stored user profiles, thereby providing advertising relevant to the determined user location, thereby providing the location-based targeted advertising desired by DeWolf et al.

5. Regarding claims 9-10, tracking locations related to websites visited will result in a plurality of potential user locations. DeWolf et al does not mention other popular locations estimated for the user (say if the user has also been searching businesses web pages located in Florida). One of ordinary skill however would find it would have been obvious to one of ordinary skill at the time of the invention to have to have chosen an estimated location for a user based on web page geographic locations that represent

the strongest (or most popular) correlations to web pages visited. Doing so would be a predictable way to estimate the best chance at obtaining an accurate user-location as a user would tend to visit pages most relevant to his location.

**6. Claims 6-8, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeWolf et al in view of Tripp et al and Hooper et al (US 20030009762 A1).**

Hooper et al also teaches providing customized advertising displays for users based upon their profiles. The profiles are created based upon various factors including demographics, residence location as well as Internet sites visited and the amount of time spent on each web site. It would have therefore been obvious to one of ordinary skill at the time of the invention to have also included time spent on visited web pages as a factor in determining user profiles which serve as the basis for the targeted ads of DeWolf et al. Official Notice is taken that it is well known to provide identification of Internet users by way of writing and reading cookies and matching to user account databases and would have been obvious to have done with the identified/tracked users of DeWolf et al.

**7. Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeWolf et al in view of Tripp et al and Barnes, Jr. (US 20030065805 A1).**

Barnes, Jr. also teaches location-based advertising but also includes advertisers bidding on desired targeting criteria in order to have their ads included with search results for a user who has performed an Internet search [¶ 238]. It would have been

obvious to one of ordinary skill at the time of the invention to have provided these features with that of DeWolf et al in order to enable ads on search pages.

### ***Response to Arguments***

8. Applicant argues that DeWolf's targeted advertising on the basis that a user has "visited numerous web sites related the Outer Banks" does not imply that such websites have businesses locations in the Outer Banks or that such business locations are used to determine a user's location. Applicant argues that such sites might include travel agencies, weather websites, etc. Examiner believes that DeWolf fairly reads on the claims because it would also be likely that such visited internet sites would include locally-run businesses, such a real estate office located in the Outer Banks that rents beach homes in the outer banks. Further, even a website of a business that serves content about the Outer Banks can be said to include a "business geographic location" of the Outer Banks on the basis that their business activities are tied to and include the Outer Banks as part of their territory. Further even a travel agent outside of North Carolina can be said to be "adjacent" to the Outer Banks.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Monday-Fridays; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Jeffrey D. Carlson/  
Primary Examiner, Art Unit 3622

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jdc